

ENTERED

June 25, 2021

Nathan Ochsner, Clerk

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS****JOHN HANCOCK LIFE INSURANCE
COMPANY (U.S.A.) f/k/a John Hancock
Life Insurance Company****Plaintiff,****v.****THE ESTATE OF JENNIFER LAUREN
WHEATLEY, et al.****Defendants.****Case No. 4:18-CV-02869****FINAL JUDGMENT**

This case comes before the Court for entry of a final judgment. Plaintiff John Hancock Life Insurance Company (U.S.A.) f/k/a John Hancock Life Insurance Company (“John Hancock”) brought this interpleader action against Defendants the Estate of Jennifer Lauren Wheatley (the “Wheatley Estate”), Jeremy G. Ward (“Ward”) and the U.S. Department of Justice (“USDOJ”) to seek a judicial determination regarding the proper beneficiary of annuity proceeds held by John Hancock. The Wheatley Estate asserted counterclaims against John Hancock and crossclaims against Ward. Ward asserted counterclaims against John Hancock and crossclaims against the Wheatley Estate. Annie R. Hall (“Hall”) sought to intervene in the action as a potential successor beneficiary, but her motion was denied as moot on August 30, 2019.

The Court determined that the USDOJ was the sole owner of the annuity having the sole and exclusive right and authority to designate the payee or beneficiary of the annuity proceeds, ordered the parties to follow the clear language of the annuity, and determined that the respective rights to the annuity proceeds (both past and future) belonged to the Wheatley Estate.

Pursuant to Federal Rule of Civil Procedure 58(a), and for the reasons set forth in the Court’s prior orders notated below, final judgment is hereby **ENTERED** as follows:

ORDERED, ADJUDGED AND DECREED that pursuant to the Court's November 12, 2019 Order granting summary judgment to the Wheatley Estate as to the interpleader claim (Doc. 102), judgment is hereby entered for Wheatley Estate, and against Ward, as to the annuity proceeds that are currently interpled and held in the registry of the Court, as well as all future monthly annuity payments due from John Hancock until expiration of the annuity in accordance with the terms of the annuity contract;

ORDERED, ADJUDGED AND DECREED that the Clerk of the Court shall pay all funds interpled by John Hancock to the Wheatley Estate by check made payable to Louis Anthony Wheatley, Administrator of the Estate of Jennifer Lauren Wheatley, deceased, and shall send said check to the court-appointed administrator of the Estate;

ORDERED, ADJUDGED AND DECREED that John Hancock shall make all future annuity payments to Louis Anthony Wheatley, Administrator of the Estate of Jennifer Lauren Wheatley, deceased, via electronic funds transfer to a bank account held in the name of the Estate of Jennifer Lauren Wheatley, and the Wheatley Estate shall cooperate with John Hancock in executing any forms necessary to accomplish such payments;

ORDERED, ADJUDGED AND DECREED that pursuant to the Court's May 28, 2020 minute entry, and for the reasons stated on the record in the May 28, 2020 proceedings before the Court, judgment is hereby entered for the Wheatley Estate on its second counterclaim (breach of contract) against John Hancock in the amount of \$16,069.94, plus the statutory interest awarded on its fourth counterclaim (violation of Tex. Ins. Code § 542.060) (Doc. 164) in the stipulated amount of \$8,000.00 (Doc. 158);

ORDERED, ADJUDGED AND DECREED that pursuant to the Court's May 28, 2020 minute entry, and for the reasons stated on the record in the May 28, 2020 proceedings before the

Court, judgment is hereby entered in favor of John Hancock on the Wheatley Estate's first and third counterclaims;

ORDERED, ADJUDGED AND DECREED that pursuant to the Court's March 14, 2019 minute entry, and for the reasons stated on the record in the March 14, 2019 proceedings before the Court, judgment is hereby entered in favor of John Hancock on Ward's counterclaims;

ORDERED, ADJUDGED AND DECREED that pursuant to the Court's September 22, 2020 Order (Doc. 164), as modified by the Court's January 6, 2021 Minute Entry, and for the reasons stated in the January 6, 2021 proceedings before the Court, judgment is entered for John Hancock and against the Wheatley Estate for the payment of John Hancock's attorneys' fees, solely related to the filing of the interpleader action and the defense of various motions filed by the Wheatley Estate, in the amount of \$32,179.55, which will be partly offset by the attorney's fee award to the Wheatley Estate further described below, leaving \$1,372.81 to be paid by the Wheatley Estate to John Hancock via check made payable to John Hancock Life Insurance Company (U.S.A.); and

ORDERED, ADJUDGED AND DECREED that pursuant to the Court's September 22, 2020 Order (Doc. 164), as modified by the Court's January 14, 2021 and May 25, 2021 Orders (Doc. 177, 179), judgment is hereby entered for the Wheatley Estate and against John Hancock for the payment of the Wheatley Estate's attorneys' fees, solely related to the filing and litigation of the TPPCA counterclaim and breach of contract counterclaim, in the amount of \$30,806.74, which will be entirely offset by the attorney's fee award to John Hancock.

IT IS SO ORDERED.

SIGNED at Houston, Texas on this the 25th day of June, 2021.

A handwritten signature in black ink, appearing to read "Keith P. Ellison". The signature is written in a cursive style with a large, stylized "K" and "E".

KEITH P. ELLISON
UNITED STATES DISTRICT JUDGE

APPROVED AS TO FORM AND WITHOUT PREJUDICE TO THE APPEAL RIGHTS OF ANY PARTY:

**BRYAN CAVE LEIGHTON PAISNER
LLP**

By: /s/ Jennifer L. Berhorst
Tricia W. Macaluso
Texas Bar No. 24013773
S.D. Texas No. 9757
2200 Ross Avenue, Suite 3300
Dallas, Texas 75201
(214) 721.8000 – Telephone
(214) 721.8100 – Fax
tricia.macaluso@bclplaw.com

Admitted Pro Hac Vice:

W. Perry Brandt
Missouri Bar No. 28292
Jennifer L. Berhorst
Missouri Bar No. 61784
1200 Main Street, Suite 3800
Kansas City, MO 64105-2100
Telephone: (816) 374-3200
Facsimile: (816) 374-3300
perry.brandt@bclplaw.com
jennifer.berhorst@bclplaw.com

**ATTORNEYS FOR PLAINTIFF
JOHN HANCOCK LIFE INSURANCE
COMPANY (U.S.A.)**

**BOB MABRY ATTORNEY AT LAW
PLLC**

By: /s/ Bobby Scott Mabry
Bobby Scott Mabry
704 N. Thompson St., Suite 157
Conroe, TX 77301-2066
Telephone: (936) 224-2990
Fax: (866) 394-3113
bob@mabryappealslaw.com

**ATTORNEYS FOR DEFENDANT
JEREMY G. WARD**

GABRIEL, BERRY & WESTON, LLP

By: /s/ M. Douglas Berry
M. Douglas Berry (*admitted pro hac vice*)
Richard W Gabriel (*admitted pro hac vice*)
214 Commerce Pl
Greensboro, NC 27401
Telephone: (336) 275-9381
doughberry@gbwlaw.com
rgabriel@gbwlaw.com

Herbert A Janzen
Attorney at Law
4300 Yoakum Blvd
Houston, TX 77006
Telephone: (713) 683-1599
herbjanzens.office@yahoo.com

**ATTORNEYS FOR DEFENDANT
THE ESTATE OF JENNIFER LAUREN
WHEATLEY C/O LOUIS A WHEATLEY**

UNITED STATES ATTORNEY'S OFFICE

By: Ariel Nicole Wiley
Ariel Nicole Wiley
1000 Louisiana Street, #2300
Houston, TX 77002
Telephone: (713) 567-9344
ariel.wiley@usdoj.gov

**ATTORNEY FOR DEFENDANT
U.S. DEPARTMENT OF JUSTICE**